

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOUTHWESTERN CONSTRUCTION INC., a
foreign corporation doing business in
Washington,

Plaintiff,

v.

C4 ENGINEERING & INTEGRATION LLC, a
foreign corporation doing business in
Washington *et al.*,

Defendants.

CASE NO. C19-0578-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court *sua sponte*. District courts have an independent duty to ensure, at any point in a civil action, that they have subject matter jurisdiction over the action. *See* Fed. R. Civ. P. 12(h)(3); *Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 593 (2004). Plaintiff filed this lawsuit based on the Court’s diversity jurisdiction under 28 U.S.C. § 1332. (*See* Dkt. No. 1.)

To establish diversity federal subject matter jurisdiction, “citizenship of each plaintiff [must be] diverse from the citizenship of each defendant.” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996); *see* 28 U.S.C. § 1332(a). Plaintiff pleads that it is “a Utah-based construction

1 company.” (Dkt. No. 1 at 2.) Plaintiff pleads that Defendant C4 Engineering & Integration, LLC
2 is “a Utah-based construction company.” (*Id.*) If Plaintiff and Defendant C4 are citizens of the
3 same state (Utah), the Court lacks jurisdiction over this case under 28 U.S.C. § 1332(a). *See*
4 *Caterpillar Inc.*, 519 U.S. at 68.

5 Therefore, the Court hereby ORDERS the parties to show cause as to why this case
6 should not be dismissed for lack of subject matter jurisdiction. Briefs shall not exceed five pages
7 in length and shall be filed no later than October 15, 2019. The status conference scheduled for
8 October 8, 2019 is CANCELED.

9 DATED this 7th day of October 2019.

10 William M. McCool
11 Clerk of Court

12 s/Tomas Hernandez
13 Deputy Clerk
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